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ABSTRACT

The paper addresses the need for reform in the trusteeship of public higher education that will address coming economic, political, and social challenges. It suggests the need for clearer definition of the roles and responsibilities of lawmakers, trustees, and public higher education leaders, and key reforms that include: (1) the recruitment, nomination, and appointment of board members from a variety of sources and settings; (2) boards that are large enough to carry the work load and have effective committee structures; (3) board members who can lead by example in fund raising; (4) boards that are diverse and reflect ethnic, racial, and gender differences; (5) board members selected as at-large representatives of the state rather than from specific localities; (6) board members with the authority to oversee the internal affairs of the institution without political interference; and (7) state lawmakers who encourage experimentation with different governance models by striking mutual understandings between state government and certain public colleges and universities. Brief case examples are provided for several institutions: Pennsylvania State University, Cornell University (New York), St. Mary's College of Maryland, the University of Alabama, and the University of Virginia. Also included is checklist for effective trusteeship. (DM)

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Association of Governing Boards
of Universities and Colleges

Transforming Public Trusteeship

By Richard T. Ingram

AGB Public Policy Paper Series
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Executive Summary

The trusteeship of American public higher education requires sweeping reform if it is to serve its public purpose and effectively address the pressing economic, political, and social challenges to its future. Successful reform depends on state lawmakers, trustees, and public higher education leaders developing mutual understanding of the appropriate roles, responsibilities, and authority of the modern university's governing board. Central to this new understanding is a heightened awareness among elected political leaders of the unique position the modern, complex university holds between government and the citizens who support it.

Many public institutions and systems are governed by too few trustees on too few boards. Their members often are inadequately prepared for the task or are inappropriately focused on political or personal agendas. The nation's public higher education institutions need trustees who are (1) committed to high quality, (2) aware of their state's priorities and needs, (3) knowledgeable about the uniqueness of academic institutions in their governance, (4) aware of their responsibility for personal philanthropy, and (5) demonstrated leaders in their respective fields. Key reforms include the following:

- Board members should be recruited, nominated, and appointed by multiple sources from a variety of settings.
- Boards should be large enough so members can share the work load, which is most effectively carried out in committees.
- Board members should lead by example in fund-raising by actively helping to raise funds and practicing personal philanthropy.
- The board's membership should be diverse in its racial, ethnic, and gender composition.
- Board members should be selected as at-large representatives of the state rather than from specific localities, such as voting districts.
- Board members should have the authority to oversee the internal affairs of the institution without political interference. This includes setting tuition and institutionally funded student-aid levels, allocating funds among budget lines, managing and investing institutional funds, determining personnel policies, and establishing effective procurement policies, among others.
- State lawmakers should encourage experimentation with different governance models by striking mutual understandings between state government and certain public colleges and universities with regard to future funding and related policy matters.

Transforming Public Trusteeship

By Richard T. Ingram

Rising expectations on the part of the public and elected officials coupled with a decline in support to meet those expectations have made managing our public colleges and universities a difficult proposition. In this highly constrained environment, trustees and their presidents and chancellors must be granted more freedom to find the best solutions among too few good options.

Releasing public colleges and universities from excessive state regulation, if adroitly managed, will lead to better results for students, the institutions that serve them, and the public that supports the higher education enterprise. Critical to the success of this new autonomy will be boards of trustees with the savvy and the authority to govern responsibly in a deregulated environment. Right now, this is not always the case.Too many appointed or elected board members see colleges and universities as typical of state agencies which are theirs to exploit for personal or partisan political purposes. What's more, our most capable and well-meaning trustees find themselves deliberating endlessly over trivial bureaucratic issues because they often find the real power lies elsewhere. To make matters worse, scorching sunshine laws in many states rule out serious, truly reflective, and controversial discussions in academic boardrooms.

All of this ought to change if public colleges and universities, and the systems of these institutions, are to address the economic, political, and social challenges before them. The direction this change takes should be guided by two related trends. First, whether as a result of a conscious policy decision or because of circumstance, public institutions are coming to look more and more like private ones every day. As state appropriations dwindle and public institutions come to rely more on tuition dollars and external support, the distinctions between public and private blur. This transformation in university financing calls for a change in the kinds of trustees who govern them and in the work those trustees perform.

Second, in addition to the substantive deregulation in New Jersey, there are less dramatic attempts in states across the country to shift to self-regulation, as opposed to bureaucratic regulation. Public universities and systems are seeking, and occasionally receiving, authority to manage their own legal affairs, to build buildings and let bonds, and to establish their own personnel policies without the approval of state agencies. These new responsibilities, which also illustrate a kind of privatizing, call for trustees with experience in making decisions of real consequence in complex organizations.

This paper proposes new models of public trusteeship and governance of tax-supported colleges and universities. The ideas here are hybrid. They borrow from the best practices of private and public boards. They will require considerable support and not a little courage from state government if they are to be implemented successfully. Although its context is the four-year institution, the proposal is relevant to the governance of public two-year community colleges as well.

The Case for Reform

Why should the governance of public colleges and universities, including the operations of their governing boards, be reformed? Part of the answer is very simple: There are too few governing board members on the public side to do the work. And the dynamic economic, political, social, and demographic circumstances demand a new style of board leadership as well. Here is some evidence from the year 1995-96:

- The University of Michigan, with three campuses, had revenue from all sources totaling $2.57 billion, 28,648 thousand employees, and a total enrollment of 51,000 in academic year 1995-96. But its governing board has only nine regents, elected statewide through a political party nomination process.
- The State University of New York, with 64 campuses, had total revenues of $5.39 billion, 72,219 employees, and a total enrollment of 381,000 students. Its governing board of 16 trustees, including one student trustee, is appointed by the governor and ratified by the state senate.

• The Los Angeles Community College District, with nine campuses, had annual revenues of $377 million, 5,713 employees, and a total enrollment of 98,000 students. Its governing board of only seven trustees, including a student, is elected districtwide.

• The 15 campuses of the University of Texas had an aggregate annual budget of $4.2 billion, 68,956 employees, a total enrollment of almost 150,000. Its governing board of nine members is appointed by the governor and ratified by the senate.

Nationwide, the American people and their elected representatives entrust to the oversight of only 10,000 appointed and elected trustees and regents more than 1,600 public four-year and two-year colleges and universities, which in 1993 accounted for more than $120 billion in revenues and enrolled more than 11.7 million students. (Of the $120 billion, about one-third were state funds.) The average public institution or system board ranges from five to 30 members. The public community college board typically has seven or nine members; the four-year institution or system board has approximately 15 members.

The current configuration of public-sector governance and member selection borders on irrational, especially given the new environment and realities confronting public higher education. By what logic can we vest such enormous responsibilities to oversee such enormous enterprises in so few trustees and regents?

The Economic Situation Is Changing

In the face of other pressing priorities and mandated requirements, state appropriations for higher education have become a major source of discretionary spending available to governors and legislators. In state after state, higher education outlays are the first to be cut and the last to be restored. Tuition at public colleges and universities has risen significantly in percentage terms as state support has declined, especially since 1990, and the high-tuition/high-aid model is likely to be hotly debated—as will the case for setting differential tuition according to institutional mission and degree program. In effect, falling state support and rising fees are combining to privatize public higher education whether legislators make a conscious policy decision to do so or not.

There is increasing doubt that parents of 18 to 25 year-old students with above-median family incomes should pay the same heavily subsidized prices as those whose current income is well below average. Many leaders of public colleges and universities have been unable to do realistic multiyear budget or capital planning. The first five years of the current decade were replete with major annual cuts in state appropriations, followed by surprise mid-year cuts to help balance state budgets. It has not been a pretty picture, and no one confidently predicts a return to yesteryear.

The "good-old" days of college financing included a combination of state appropriations, tuition, and capital-funding requests. Funding for public higher education now involves less (and less predictable) state funding; significantly higher tuition; complex subsidiaries, as well as such auxiliary operations as hospitals; and much more reliance on private philanthropy and campus foundations. Again, the distinctions between public and private institutions diminish as the need for external, nonstate sources of revenue grows. This change in funding calls for additional public trustees who have the influence, the inclination, and often the personal capacity to find private money.

The point is that the economics of higher education and the economic relationship between state government and public higher education have changed and will continue to change significantly. We have reopened the debate about whether public higher education is primarily a public good or an individual benefit—and who should pay for it. State dollars as a significant portion of total revenue—generally available until recently—have declined. Paradoxically, the demands of political leaders for more productivity and greater accountability have brought more regulation, not less. Under the convenient label of "accountability," many state governments and their education bureaucracies are dangerously and inappropriately imposing a cookie-cutter approach to performance assessment, one first imposed on public K-12 education where standardized tests and multiple-choice questions are the norm.

The role of public college and university foundations to raise and manage private dollars from individuals, corporations, and foundations has

taken on unprecedented importance in the financing of public colleges and universities. As their carefully selected members continue to be strengthened with influential alumni and others committed to institution-building and philanthropy, and as public college and university leaders use the technology of fund-raising to its fullest advantage, it is becoming increasingly likely that truly exceptional public institutions will have exceptional foundations.

Many of our most able citizens reject public trusteeship because they do not like what they see. They refuse to be part of politicized boards.

These Challenges Require More From Trustees

These changes affect trustees and governing boards and the need for reform in several important ways. To cope successfully with new economic realities, governing boards must be large enough and include people with the commitment, philanthropic spirit, and knowledge of big budgets and complex organizations. These individuals must be credible leaders in their respective fields so they can hold the respect of the members of their institution's foundation and of their state's political leaders. They must be able to advocate effectively for their institutions and help them to adjust to market forces.

Only men and women of substantial accomplishment and experience will be able to set tuition policies intelligently, serve as personal and collective examples of private philanthropy for others, and argue successfully with state political leaders that the state does indeed have a moral and legal responsibility to provide for high-quality, adequately financed public colleges and universities. Too few people of this stature are found on public governing boards.

Politics May Favor These New Roles

There is an unmistakable shift in the mood in the nation toward reducing the size and intrusion of government, decentralizing decision making, revitalizing the entrepreneurial spirit of individuals and institutions, restoring the influence of market forces, and reducing taxes. A survey of 58 state house and senate education committee chairs in 49 states makes this conclusion: Many legislators hope to create new decentralized systems that will be less bureaucratic and less political. They hope to do this in part by consolidating some coordinating functions, appointing rather than electing regents, and eliminating multiple layers of decision making. Legislators also hope to achieve greater operational efficiency and academic effectiveness by reallocating responsibilities (Ruppert, 1996, p. 21).

Whether this ideology prevails in the long term remains to be seen, of course, but it does represent the belief that higher education should operate in a more competitive market environment with fewer regulatory constraints. Logically, this kind of thinking should endorse the new roles for trustees described here.

Many Policy Makers Oppose Deregulation

If many policy makers favor deregulation as a path to better performance, others prefer the heavy hand of central control as the way to get things done. A surprising number of newly elected governors and legislators seem to be unhappy with the performance of public institutions and their governing boards. They view these board members as captives of their presidents and faculties, too soft on hard issues such as academic and admission standards (especially undergraduate education), faculty teaching work loads and productivity, reallocation of resources, time-to-degree trends, campus crime rates, attrition rates, and so forth. Indeed, some frustrated governors are substituting their judgments for those of governing boards and their chief executives through increased regulation, line-item budgeting, and other performance-based requirements attached to appropriations bills.

There is widespread misunderstanding on the part of lawmakers about the responsibilities of trustees and governing boards of public higher education. One governor recently suggested that a good trustee is one who responds to the

governor's concerns and advice. Another governor recently told an audience of new trustees—all of whom he appointed—that they should disabuse themselves of any notion of lobbying for their institutions. Although there are exceptions, elected political leaders generally seem to be unaware of why public academic institutions in every state have governing boards and of the broad public interest *and institutional* purposes and functions their members serve.

There is criticism of trustee and governing board performance within the academy as well. It is common for presidents and chancellors, in moments of candor, to describe the behavior of some of their trustees as their biggest problem and their institution's biggest handicap. They cite examples of board micromanagement, in apparent efforts to prove members are not rubber stamps for administrators. They see board members using their trusteeships to get their names in the newspaper or to advance their own political ambition. They see trustees who fail to do their homework but who are quick to demand reports, data, and information they put to no good use.

It is not new for academic chief executives to report that partisan politics are rampant in boardrooms, that some governors decide who should chair the board of the flagship university, that factions within boards often follow political party affiliation, that trustees seem to be oriented to their own advancement and visibility rather than to public service and commitment to higher education, and that—overall—the stature and reputation of trustees generally has declined. Likewise, it is common for presidents and chancellors to report that the membership of their foundations is much stronger and more consequential to their institution's progress than is the membership of their governing board.

Many of our most able citizens—by virtue of their experience, skills, personal philanthropy, and deep commitment to higher education—reject public trusteeship because they do not like what they see. They refuse to be part of politicized boards that function in all ways and at all times in the public fishbowl and operate under the heavy regulatory hand of state bureaucracies.

If citizen governing boards are to prevail as a distinctive characteristic of higher education and as the only viable alternative to direct control by state government (the prevalent form of governance in most other countries), they need to be enabled to do their jobs. The most attractive trustees—intelligent people with strong, independent views on the role of the university—are not going to accept appointments from governors who expect them to rubber stamp their political initiatives.

Changing Social and Demographic Realities

Why are public universities so difficult to lead and manage, especially compared with independent institutions? Their sheer size, complexity, and multiplicity of mission and purpose are surely part of the answer, as is their vulnerability to pressure from special-interest groups and politicians. The changing and challenging social context within which public universities function also is a major factor.

The proliferation of special-interest groups and their claims on public universities cause such institutions to be lightning rods for nearly every ideology or cause. The principle of institutional neutrality on social and moral issues is increasingly difficult to sustain. Public demands for access at affordable prices—even in the face of stable or reduced state appropriations and persistent calls for cost containment—bring tough choices into boardrooms. The ethnic and racial diversity of the student body, along with group politics that balkanize the campus, create tensions as colleges and universities attempt to teach people how to live with one another. We are preoccupied with such compelling issues of social justice as the underrepresentation of minorities in student bodies, faculties, and college administrations. More than ever, the clash of values requires sophisticated, diverse, aware, courageous, and committed trustees—in sufficient numbers—who can work effectively with their chief executive to do the right thing, to be fair to everyone without giving away the store or abdicating their responsibility to lead.

Demographers tell us that by the year 2010, there will be 3.8 million fewer white children than there were in 1990 and 4.4 million more nonwhite children, most of whom will come from disadvantaged backgrounds (Hodgkinson, 1993, pp. 33-34). The job of educating these new learners will fall largely to public, not private,

institutions. Our multicultural campuses have experienced tension here and there, but more turbulent times lie ahead. Unless state legislators and governors are prepared to become the front line of decision makers on how campuses should respond to these dramatic social and demographic changes, they should be assuring themselves that boards of public higher education are positioned to do so.

Principles of Reform

Given the enormity of the changing economic, political, and social environments, how is the public college or university best governed and led? What principles should guide the size, composition, selection, and responsibilities of the board of trustees? To inform and guide reform, what institutions currently embody one or more of these principles in their policies and practices?

For the uniquely American institution of citizen trusteeship to function effectively in contemporary higher education, several principles should support the state statutes and regulations concerning the selection of members of governing boards of public colleges and universities.

- Members should be recruited from various settings by multiple sources. They must meet explicit qualifications and have significant records of personal achievement and broad experience—especially with large, complex organizations and budgets.
- Boards should be sufficiently large so members can share the required work load through a sensible committee structure appropriate to the institution and the board's broad range of responsibilities. Governing boards generally should conduct most of their work through an effective committee structure, rather than as a committee of the whole, or with committees having only two or three members, or with a structure where trustees must serve on more than two committees because of their small number.
- Board members must be positioned to help the institution raise significant funds from private sources. They must be willing and able to practice the spirit of philanthropy—by personal and collective example, consistent with their means.
- Board members should be diverse in their ethnic, racial, and gender makeup and consistently be drawn from the ranks of alumni.
- Board members should be selected as at-large state residents, without any requirement of geographical representation such as by voting district or county. Their terms should be long enough to ensure leadership continuity, knowledge of the institution, and deep commitment to its development.
- In addition to their traditional responsibilities and authority for stewardship and policy setting, board members should hold the specific power to (1) set tuition levels without political interference and to set the amount of institutionally funded student financial aid; (2) allocate funds between and among budget lines without prior state approval; (3) manage and invest all institutional funds, including private contributions which they should be expected to help to raise; (4) determine their personnel policies and practices independent of the state's personnel system; (5) determine the most efficient procurement policies and practices; and (6) otherwise manage the institution's internal affairs, without interference from the executive or legislative branches.

Trustee Selection

AGB has advocated the reform of trustee-selection processes since 1980, when an independent commission chaired by former North Carolina Governor Robert Scott published its report, *Recommendations for Improving Trustee Selection in Public Colleges and Universities*. AGB Public Policy Series Paper No. 95-2, "Changing State Policies to Strengthen Public University and College Trustee Selection and Education," by Jean Graves McDonald, assesses selection processes in Minnesota, Massachusetts, and Kentucky and the reactions to legislation that mandates statewide trustee-orientation and education programs in Oklahoma and Kentucky. These two publications make the case for independent screening mechanisms. Under such a process, committed citizens would help depoliticize the process of gubernatorial appointment, discourage any notion that boards of trustees should act as quasi-legislative bodies, and encourage the notion that governing boards should see themselves and be seen by others as nonpartisan, deliberative bodies that serve the broad public interest and institutional advocacy.

More recently, an independent commission chaired by former Virginia Governor Gerald L. Baliles, urged governance reforms. In the 1996 report, *Renewing the Academic Presidency: Stronger Leadership for Tougher Times,* the distinguished commission offered recommendations to presidents, boards, faculty, and public officials. The commission's recommendations to state political leaders urge the following:

- adoption of explicit, public statements of the qualifications for trustees of public colleges and universities;
- creation of independent panels of citizens that employ merit criteria to advise governors and legislators on trustee nominations;
- larger governing boards (of at least 15 members) selected from diverse sources of appointees, in consultation with board chairs and presidents who are in the best position to advise on needed skills, experience, and talent;
- greater independence from regulation in exchange for demonstrated results ("...if state governments continue to reduce funding...public colleges and universities deserve some relief from the most onerous and burdensome of state regulations"); and
- redefinition of "sunshine" requirements (especially as they relate to presidential searches).

Boards should be sufficiently large—at least 15 members—so members can share the work load through a sensible committee structure.

Exemplary Practices

The principle of *recruiting prospective trustees from and by multiple sources* is particularly noteworthy. It has been practiced for many years with great success at a number of public universities including Pennsylvania State University, Cornell University, the University of Delaware, and Delaware State University.

Pennsylvania State University. Penn State's 32-member governing board, which has a national reputation for effective leadership, consists of six trustees appointed by the governor, nine elected by the alumni through the General Alumni Association, six elected by organized agricultural societies, six elected by organized industrial societies, and five ex-officio members, including the president of the university, the governor, and the secretaries of the departments of agriculture, education, and conservation/natural resources.

Penn State's trustees are not bound by any residency requirement, and although they come to their volunteer calling from multiple sources of appointment, the *trustees do not see themselves as representing, individually or collectively, any special loyalty to those sources.* Their loyalties are in serving their public trust and their university as a whole—not special-interest groups or political ideologies. The trustees have renewable, three-year terms (without limit), and many trustees have long and distinguished records of commitment to personal philanthropy and fund-raising.

Cornell University. Private and public in its mission and funding, Cornell also has an atypically large board, 42 voting members, as follows: 21 trustees-at-large elected by the board itself for staggered four-year terms; eight elected from among and by the alumni for four-year terms, without requiring state residency; four ex-officio trustees (the governor, president of the state senate, speaker of the assembly, and the president of the university); three trustees appointed by the governor with senate confirmation for staggered three year terms; two faculty trustees for four-year terms; two student trustees for two-year terms; one nonacademic staff member for a four-year term; and one life trustee—the eldest lineal descendent of Ezra Cornell.

The university recently created a category of nonvoting trustee fellows to work with the voting trustees in fostering relationships with alumni and friends originally as part of a recent major capital campaign. These individuals may not be board officers, but they are encouraged to participate in all board meetings and may chair board committees. Except for the alumni trustee category, all trustees otherwise eligible and under the age of 73 may be reelected or reappointed

without limitation. A complex arrangement, to be sure, but Cornell also has a national reputation for consistent board leadership and a commitment to advancing the university.

Transforming public trusteeship means closing the gap between the expectations for boards and the authority and freedom of action they in fact possess.

Other Universities. With a board of 32 voting members, including the governor, the president of the university, the master of the state grange, and the president of the state board of education as ex-officio members, the University of Delaware has a substantive board. Of the other 28 trustees, eight are appointed by the governor, and 20 are elected by a majority of the board of trustees. Both the governor's and the board's choices must be confirmed by the state senate, and all are limited to a maximum term of six years.

Delaware State University has an 11-member board. Six trustees are appointed by the governor, and five trustees are elected by a majority of the trustees themselves. All have six-year, renewable terms, without limit.

In Pennsylvania, the University of Pittsburgh, Lincoln University, and Temple University—all state-related universities—also have a mix of trustees selected by the governor and their own governing boards.

St. Mary's College of Maryland. A public liberal arts honors college, St. Mary's presents a particularly interesting case. Its former president, Edward T. Lewis, said the college's 1992 agreements with the state legislature and governor provided it with more autonomy than any public college or university in the country. The agreement is described in more detail in "Metamorphosis of a Public College," an article by Lewis in the September/October 1994 *Trusteeship*. But the essential element of agreement with the state concerns future appropriations to the college: By law, it now receives a general-fund appropriation equal to the prior year's. This is augmented by an inflationary adjustment based on the Implicit Price Deflator for State and Local Governments index. Thus, the state will fund a smaller percentage of the college's total operating budget in the future. State funding is projected to decrease from about 50 percent of the college's total budget to 40 percent in fiscal year 1997 (and less in succeeding years).

With regard to the membership of its governing board, although the governor retains the authority to appoint its 17 trustees (eventually, the board will comprise 25 members), he is committed to appointing individuals *nominated by the board itself*, subject to legislative confirmation. Thus St. Mary's governing board, in accepting significant additional responsibilities in fund-raising and policy determination in return for significant new freedom from government bureaucracy and political interference, is given the responsibility of carefully selecting candidates who will accept the new expectations and obligations it has accepted for itself.

St. Mary's is a noteworthy experiment that state government leaders could duplicate at one or two institutions whose leaders are willing to strike the same understandings. But the essential point is that highly qualified citizens are willing to be recruited to public boards and to accept fund-raising and many other expanded responsibilities (as their counterparts in independent higher education readily accept), in return for having themselves and their institutions released from the constraints of state regulation—and provided *they have a voice in determining who will fill vacancies on the board.*

A special committee of the St. Mary's Board of Trustees, charged with helping the board prepare for expanded responsibilities brought on by the new relationship with the state of Maryland, issued a report that describes the college's transition from a totally public institution to one that has characteristics of both public and private institutions. Chaired by Steven Muller, former president of Johns Hopkins University, the committee made this observation:

> In effect, the trustees will need to become both leaders and managers in the best sense. In order to accomplish this they will need, at all times, to be attuned to a highly refined, clearly articulated vision of the college that is both near and long term. They will need to be thoroughly knowledgeable about the college's fiscal, academic, and administrative operations. They will need to serve as consensus builders among all parts of the college community. Above all, they will need to become powerful advocates among individuals, corporations, and foundations, for gifts and grants to St. Mary's College. In short, they will need to lead the college vigorously in ways that have not been required of them before (p. 2).

In recognizing the importance of recruiting new board members who could fulfill these expectations, the committee concluded that future trustees should be found from among those who had proved their commitment and involvement with the college:

> Strategies need to be developed to identify such individuals—individuals who will meet one or more of the following criteria: alumni; parents of current students or alumni; individuals representing the more populated counties of Maryland...; recognized corporate or business leaders in Maryland and Washington, D.C.; leaders in the Southern Maryland community; individuals of substantial financial means and/or access to individuals or businesses of substantial financial means; and greater representation of women and minorities (p. 3).

The University of Alabama. Unique among all public universities in the composition of its governing board, the members of the board of trustees of the University of Alabama are nominated by the board itself. This board has a long and distinguished record of consistently superb performance and clearly stands as a model for the rest of the nation in the way its members are selected.

The board consists of 15 members who serve for renewable six-year terms, with a maximum of three consecutive full terms. (The governor and the superintendent of education are ex-officio members.) Its nominations require senate confirmation, but the board is empowered to select successors immediately (by secret ballot) when vacancies occur in unfulfilled terms—subject to subsequent senate confirmation. The senate may reject all nominations (not selectively) and instead name its own individuals, but the senate has been remarkably and intelligently respectful of the board of trustees' nominations (although it did on one recent occasion play politics by rejecting five nominees and naming its own).

One trustee must reside in each of the state's congressional districts, with three from the district that includes Tuscaloosa County—the county in which the main campus is located. Although this practice might seem to be a limiting factor in the broad search for talent and commitment, apparently it works quite well.

Although the unfortunate connotations of "self-nomination" or "self-perpetuating" in the political environment make vulnerable any serious effort for reform of trustee selection, the university supports two important principles: (1) The board of trustees knows best what it needs in the way of qualifications, experience, influence, and commitment to ensure a balanced and effective governing board; and (2) the trust between state government and the academic institution that is necessary to serve the public interest responsibly is well placed in institutional leadership.

Why are not more public college and university boards permitted to nominate their own members, or at some of them?

The University of Virginia. Virginia's Board of Visitors also is worthy of mention. Its 16-member governing board is appointed by the governor with senate confirmation, but up to three trustees may be appointed from among alumni or alumnae living outside of Virginia (and with regard to Virginia residency, there is no other requirement). It is especially interesting that at least 11 of the 16 board members must be graduates of the university. Further, the alumni association is invited to propose three names to the governor for each vacancy. Although the governor is not obligated to accept this advice, many governors over the years have chosen to do so. The trustees have four-year terms, renewable once.

Enabling Governing Boards

State lawmakers have three basic choices: They can maintain the status quo, increase bureaucratic and statutory control, or grant much more autonomy to their public colleges and universities. For states that take the latter course, this paper argues for strengthening the capacity of public governing boards and trustees (and implicitly their chief executives) to perform their jobs. Transforming public trusteeship especially means closing the gap between the expectations for governing boards and the authority and freedom of action they, in fact, possess. This gap varies from state to state—and even from institution to institution within a given state—but it seldom diminishes.

A Checklist for Effective Trusteeship

Answers to questions such as these may help policy makers decide whether public college and university trusteeship in their state needs an overhaul.

1. Do elected officials really understand the responsibilities of governing boards—what such boards should and should not be expected to do? Is there a clear job description for each governing board that addresses the rationale for its independence from state government, the balance it should maintain in serving the public trust and institutional advocacy?

2. Do the system and/or institutional governing boards have clear job descriptions for individual board members—what they are expected to do and not do? Are trustees given such information before they accept appointment?

3. Are trustees and regents selected with due care, without unreasonable reliance on political party affiliation, strictly political influence or favoritism, or strict residency requirements? Is the board large enough and broad enough in its aggregate skills, knowledge, and influence to do its job well? Are desirable qualifications for academic trusteeship spelled out, and are they adhered to?

4. Are governing boards given the independence and authority they need to truly exercise leadership, with their presidents and chancellors, for which they truly can and should be held accountable? Do lawmakers see governing boards more as instruments or extensions of state government, rather than as independent bodies with the clear mandate to serve the broad public interest as well as to be entrepreneurial and responsible advocates for their institutions?

5. Is the state opening-meeting law restrictive to the point that it discourages rather than promotes good board leadership? For example: Is there an exemption concerning board committee meetings that allows members to be honest, candid, and truly reflective on complex issues as they consider options to recommend to the board for further (and open) discussion and action? Can the board and its search committee assure candidates for the presidency or chancellorship that their names will be held in strict confidence—until it is clear that they are among the finalists? Can the board conduct periodic retreats and workshops to explore complex issues and opportunities, including self-evaluations of its performance, without being subject to sunshine legislation—provided it does not make any decision binding on its institution?

Next Steps

The first step to reform, and perhaps the easiest to initiate in most states, is to experiment. Every state has at least one, two, or three colleges or universities whose trustee and academic leaders are willing and able to work with the governor and legislature to transform their boards and their working relationship with the state along the lines suggested here. St. Mary's College of Maryland took such an initiative and is well on its way to demonstrating what it can do with its new freedoms and responsibilities. Indeed, the best of the good policies and practices concerning governing board composition and selection outlined in this paper have been in place in several leading institutions and provide a road map for reform.

The second and probably more important step is to reconfirm the serious role of lay trustees as governors of these public institutions and then to examine and reform the way they are selected, educated about their responsibilities, and empowered to govern. This paper lays out promising policies and practices for increasing trustee responsibility and authority. This call for reform should be implemented and tested on a broad scale, but change will require extraordinary leadership from extraordinary and courageous political and business leaders—and from trustees themselves.

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About the Author

Tom Ingram is president of the Association of Governing Boards of Universities and Colleges in Washington, D.C. He is the author or editor of several books on higher education governance and trusteeship, including *Governing Public (Independent) Colleges and Universities: A Handbook for Trustees, Chief Executives, and Other Campus Leaders* and *Effective Trusteeship.*

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